

REMARKS

Claims 11-26 are pending and under consideration.

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

I. Rejection Based on Double Patenting

In the Office Action, at pages 3-13, claims 11 and 25-26 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 13 of co-pending Application No. 11/047,618 and claims 12-25 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4-10 of co-pending Application No. 10/563,939. Applicants respectfully traverse.

Applicants respectfully note that the provisional obviousness-type double patenting rejection over co-pending application no. 11/047,618 is premature as recognized in the Office Action (at page 3) that such rejection is "provisional". Furthermore, Applicants respectfully submit that the co-pending application (11/047,618) has only received a first action on the merits (dated July 9, 2008).

Accordingly, Applicants respectfully submit that the provisional non-statutory obviousness-type double patenting rejection is premature because the co-pending application has not matured into an issued patent. Accordingly, Applicants respectfully request reconsideration and withdrawal of the subject premature, provisional non-statutory obviousness-type double patenting rejection of claims 11 and 25-26 of the instant application over co-pending Application No. 11/047,618 so as not to unduly delay issuance of the instant application.

With regard to the second obviousness-type double patenting rejection, the Applicants fail to understand how claims 12-25 of the instant application can be rejected in view of claims 4-10 of Application No. 10/563,939, when Application No. 10/563,939 is the instant application. Furthermore, claims 4-10 of Application No. 10/563,939 (the instant application) have been cancelled. Accordingly, Applicants respectfully request withdrawal of this provisional non-statutory obviousness-type double patenting rejection.

II. Rejection under 35 U.S.C. § 102

In the Office Action, at pages 14-17, claims 11-13, 18-19, and 25-26 were rejected under 35 USC § 102(e) as being anticipated by Matsubura et al. (U.S. Patent Application Pub. No. 2004/0148434).

Matsubura et al. does not discuss or suggest:

a mobile radio network/fixed network interface computer which is connected to the fixed-network communication network and to the mobile radio communication network for mapping a data stream between the fixed-network communication network and the mobile radio communication network;

a superpeer host computer which is connected to the mobile radio network/fixed network interface computer; and

a peer-to-peer message filter, provided in the mobile radio communication network, the peer-to-peer message filter being supplied with peer-to-peer messages from the mobile radio communication network, the peer-to-peer message filter detecting the peer-to-peer messages and supplying the peer-to-peer messages to the superpeer host computer,

as recited in independent claim 11. The invention of claim 11 provides a communications system including a fixed-network communication network and a mobile radio communication network. A mobile radio network/fixed network interface computer is coupled to both communication networks and maps data between the two communication networks. A peer-to-peer message filter is provided in the mobile radio communication network and the peer-to-peer message filter detects peer-to-peer messages from the mobile radio communication network and supplies the peer-to-peer messages to a superpeer host computer connected to the mobile radio network/fixed network interface computer.

The detection of peer-to-peer messages from the mobile communication network and the forwarding of the peer-to-peer messages to the superpeer host computer as it is recited in claim 11 gives the superpeer host computer the opportunity to check for each peer-to-peer message from the mobile communication network if it is necessary to forward the peer-to-peer message to the fixed communication network or, if this is not necessary, for example due to the fact that the peer-to-peer message holds a request that can also be fulfilled by the superpeer host computer itself. By not forwarding peer-to-peer messages that do not need to be forwarded, the load on the interface between the mobile communication network and the fixed communication network can be reduced. Furthermore, the superpeer host computer can analyze the peer-to-peer messages sent from the mobile communication network and supplied to it by the filter and can decide, if a lot of peer-to-peer messages hold requests for the same service, for example for the

same data file, to provide this service, e.g. the data file, itself, such that further peer-to-peer messages requesting this service do not have to be forwarded to the fixed communication network. In this way, the load on the interface between the mobile communication network and the fixed communication network can be further reduced

Matsubura et al. discloses an architecture to facilitate access to a peer-to-peer service using a Web browser. For this purpose, a peer-to-peer gateway server is provided that exchanges information with the Web and the peer-to-peer network. Matsubura et al. does not disclose a mobile radio network/fixed network interface computer that maps a data stream between a fixed-network communication network and a mobile radio communication network. In contrast, the peer-to-peer gateway server of Matsubura et al. exchanges information with the Web and the peer-to-peer network. Thus, the peer-to-peer gateway couples to communication networks based on different protocols, which may both be used by a variety of communication devices. Although, by way of example, the Web may be accessed by a mobile device, it is not disclosed in Matsubura et al. that the Web may be based on a mobile communication network and that the peer-to-peer network may correspond to a fixed network such that the peer-to-peer gateway server is actually a gateway between a mobile communication network and a fixed network.

Furthermore, Matsubura et al. does not disclose that a peer-to-peer message filter is provided in a mobile communication network that supplies peer-to-peer messages that it detects to a superpeer host computer. Matsubura et al. merely discloses that an index server may be used, but does not disclose that the index server is a superpeer computer and that peer-to-peer messages from a mobile communication network detected by a filter may be supplied to it, e.g. for processing or forwarding the peer-to-peer messages. The index server of Matsubura et al. is only accessed when addresses of additional peers should be determined. It is not provided for receiving peer-to-peer messages that have been detected.

Therefore, since Matsubura et al. does not discuss or suggest all of the features of claim 11, claim 11 patentably distinguishes over Matsubura et al. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Claims 12-13 and 18-19 depend either directly or indirectly from claim 11, and include all the features of claim 11, plus additional features that are not discussed or suggested by the cited prior art. Therefore, claims 12-13 and 18-19 patentably distinguish over the cited prior art for at least the reasons noted above. Accordingly, withdrawal of these § 102(e) rejections is respectfully requested.

Matsubura et al. does not discuss or suggest:

a peer-to-peer message filter to receive peer-to-peer messages from the mobile radio communication network, detect the messages and supply the messages to a superpeer computer; and

mapping means to map peer-to-peer messages between the mobile radio network and the fixed network communication network,

as recited in independent claim 25, so that claim 25 patentably distinguishes over Matsubura et al. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Matsubura et al. does not discuss or suggest:

detecting a mobile radio peer-to-peer message with a computer comprising a peer-to-peer message filter disposed in a mobile radio communication network;

mapping the mobile radio peer-to-peer message to a protocol used in a fixed network;

transmitting the mobile radio peer-to-peer message to a superpeer computer connected to a mobile radio network/fixed network interface computer; and

processing the mobile radio peer-to-peer message by the superpeer computer,

as recited in independent claim 26, so that claim 26 patentably distinguishes over Matsubura et al. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

III. Rejection under 35 U.S.C. § 103

In the Office Action, at pages 17-22, claims 14-17 and 20-24 were rejected under 35 USC § 103(a) as being unpatentable over Matsubura et al. in view of various combinations of Kiss et al. (U.S. Patent Application Pub. No. 2008/0059595) and Minborg (U.S. Patent No. 6,977,909).

Neither Kiss et al. nor Minborg make up for the deficiencies in Matsubura et al. discussed above with respect to claim 11, so that claim 11 patentably distinguishes over Matsubura et al., Kiss et al., and Minborg.

Claims 14-17 and 20-24 depend either directly or indirectly from claim 11, and include all the features of claim 11, plus additional features that are not discussed or suggested by the cited prior art. Therefore, claims 14-17 and 20-24 patentably distinguish over the cited prior art for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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